

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SMARTFLASH LLC and
SMARTFLASH TECHNOLOGIES
LIMITED,

Plaintiffs,

v.

APPLE INC., ROBOT ENTERTAINMENT,
INC., KINGSISLE ENTERTAINMENT, INC.,
and GAME CIRCUS LLC,

Defendants.

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) Civil Action No. 6:13-cv-447-KNM
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) **JURY TRIAL DEMANDED**
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**DEFENDANT APPLE INC.'S
IDENTIFICATION OF REBUTTAL TRIAL WITNESSES**

Pursuant to Rule 26(a)(3), Fed. R. Civ. P., and the Court's Amended Docket Control Order (Dkt. No. 207), Defendant Apple Inc. ("Apple") hereby files this Identification of Rebuttal Trial Witnesses.

At this time, Apple respectfully submits the following list of witnesses that it expects to call at trial and those that it may call at trial if the need arises. Apple reserves the right to supplement, augment, or otherwise modify this list based on circumstances that may evolve prior to the commencement of trial, including but not limited to the completion of pending and upcoming depositions. Apple also reserves the right to call witnesses not included on the below lists as impeachment witnesses. Further, Apple reserves the right to call any trial witness who appears on plaintiffs Smartflash LLC's and Smartflash Technologies Limited's (collectively "Smartflash") trial witness list. Apple also reserves the right to modify or supplement this list if Smartflash alters its trial witness list or for good cause.

	Witnesses	Will Call	May Call	May, But Probably Will Not Call
1	Max Muller (Apple Inc.): Background on Apple Inc. and Fact Testimony re: Accused Products	X		
2	Patrick Racz (Smartflash LLC): Fact Testimony	X		
3	Anthony Wechselberger (Entropy Management Solutions (EMS)): Invalidity and Non-Infringement	X		
4	George Ligler (GTL Associates): Non-Infringement	X		
5	Ravi Dhar (Yale School of Management): Consumer Survey Analysis and Rebuttal	X		
6	Stephen Becker (Applied Economics Consulting Group, Inc.): Damages	X		
7	Payam Mirrashidi (Apple Inc.): Fact Testimony re: Accused Products		X	
8	Augustin Farrugia (Apple Inc.): Fact Testimony re: Accused Products		X	
9	Christopher Wysocki (Apple Inc.): Fact Testimony re: Accused Products		X	
10	Sean Kelly (Apple Inc.): Fact Testimony re: Accused Products		X	
11	Chris Bell (Apple Inc.): Fact Testimony re: Marketing		X	
12	Jeff Risher (Apple Inc.): Fact Testimony re: Licensing and Legal		X	
13	Leon Unterhalter (Smartflash LLC): Fact Testimony		X	
14	Harold Kramer (Smartflash LLC): Fact Testimony		X	
15	Lawrence Brannian (Smartflash LLC): Fact Testimony		X	
16	Nigel Misfud (Kestrel SA): Fact Testimony		X	
17	Leo A. Hejza (SilverSpring Networks): Prior Art		X	
18	Andrew A. Poggio (SRI International): Prior Art		X	
19	Timothy Mott (N/A): Prior Art		X	
20	Larry C. Puhl (N/A): Prior Art		X	
21	George Gregory Gruse (Social Etc., LLC): Prior Art		X	
22	Jeff Lotspiech (Lotspiech.com, LLC): Content Protection Consulting, Prior Art		X	
23	Steven T. Ansell (Phase 2 Industries, LLC): Prior Art		X	
24	Michael O. Rabin (Harvard University): Prior Art		X	
25	David Van Wie (Aventurine Capital Management): Prior Art		X	
26	Dennis E. Shasha (New York University): Prior Art		X	
27	Steven B. Katz (N/A): Prior Art		X	
28	Steven Landau (N/A): Fact Testimony		X	
29	Dominique Trempont (N/A): Fact Testimony		X	

Apple may present the testimony of the above witnesses for plaintiff Smartflash and third parties by means of deposition. To the extent Smartflash presents any testimony of Apple or third-party witnesses by deposition, Apple reserves the right to present additional deposition testimony for completeness or in rebuttal.

Apple may call any witnesses that Smartflash calls at trial. Apple may call any witnesses that have yet to be identified by Smartflash.

Dated: September 26, 2014

By: /s/ Ching-Lee Fukuda

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on September 26, 2014. As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Ching-Lee Fukuda

Ching-Lee Fukuda